

SUBMISSION OF SUBSTITUTE DRAWINGS

Substitute drawing sheets 2 and 3 are submitted herewith. Substitute drawing sheet 2 effects correction of Fig. 2 to represent the measurement device as element 20 to reflect the change previously made to specification paragraph [0055] (as published in U.S. Published Application No. 2008-0108481). Substitute drawing sheet 3 includes a representation of a select function in the receiver. The select function is referred to throughout the specification and original claims, *inter alia*, in paragraph [0049].

It is respectfully submitted that the substitute drawings introduce no new matter within the meaning of 35 U.S.C. §132.

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action of February 26, 2010, are respectfully requested in view of this amendment. By this amendment, the specification has been amended, the claims have been amended and replacement drawing sheets 2 and 3 are submitted.

The amendment to the specification adds a reference to element 222, depicting the selection of a predefined set of pieces of activity information from the received activity information.

In the claims, claims 1-32 have been cancelled and new claims 33-64 have been inserted. Claims 33-64 are pending in this application and presented for examination. Claim 33 includes the descriptions of claim 1, and further includes a description of the short-range wireless link. The short-range wireless link is described in the specification, *inter alia*, at paragraphs [0044] and [0048] (as published in U.S. Published Application No. 2008-0108481).

New claim 64 presents the subject matter as apparatus in "means plus function" format, and finds support in the original claims, and in the above-mention reference to the short-range wireless link.

It is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. §132.

In the outstanding Office Action, claims 1-26 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 1-26 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,013,007 to Root et al. (hereinafter *Root*). These rejections, as applied to the revised claims, are respectfully traversed.

Objections to the Drawings

The Examiner objected to the drawings under 37 C.F.R. 1.83(a) for allegedly failing to show every feature of the invention specified in the claims. More specifically, the Examiner alleges that the drawings fail to show how the user selects and receives information.

Response

The drawings have been amended to show the selection as being effected on receiving device 204. The received information is already depicted in terms of transmitter 26, the wireless transmission and receiver 208. The receipt by the user of the information is already depicted by feedback device(s) 212.

The Examiner pointed out that Applicants' prior amendment changed the reference to element 30 to element 20 in Fig. 3. Fig. 3 has been amended accordingly. The Office Action alleges it is not clear how many devices, interfaces, and/or displays there are. It is submitted that this is clearly set forth in the specification and drawings in that, by use of a wireless interface, different interfaces can be used, for example Runner UI 32 and Sailor UI 34. Given that a wireless interface is provided, one can easily use one or multiple devices. Accordingly, the use of different devices is clearly depicted and the objections to the drawings are believed to be overcome. Accordingly, Applicants respectfully request that this objection be withdrawn.

Objections to the Specification

The Examiner objected to the specification as allegedly not adequately describing a "device that can be attached e.g. to an arm of the user," in that this does not describe the means or mechanism as to how the device is attached to a user. The Examiner further indicated that the drawings also do not show the device being attached to a user.

The specification was also objected to in that, "the measurement device 20" was not clear with respect to the indication of measurement device 30 in Fig. 3.

Response

The attachment of the device to the arm is not intended to indicate "attachment" in the sense of attachment of two mechanical devices; rather it refers to the fact that the device can be

worn or carried by the user. Thus if one were to attach a watch or cellphone to oneself, one would not do more than wear the device, either directly or by means of a pouch, or perhaps clip the device on, in the manner of an earpiece clipped around the ear.

The attachment is described in the specification, for example:

"A common feature to all these activities is that the user carries a measurement device. The measurement device may be attached to the user or it may alternatively be a stand-alone model." (Paragraph [0043])

"A common feature to all these activities is that the user carries a measurement device. The measurement device may be attached to the user or it may alternatively be a stand-alone model." (Paragraph [0046])

It is respectfully submitted that the above clearly sets forth the meaning of, "attached to the user."

As indicated above, Fig. 3 now has been corrected to reference the measurement device as element 20.

Accordingly, Applicants respectfully request that this objection be withdrawn.

Rejections Under 35 U.S.C. §112

The Examiner rejected claims 1-26 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Specifically, it was deemed unclear as to the reference to element 20, whereas Fig. 3 depicted element 30. The Examiner further indicated that it was unclear how many devices, interfaces and/or displays there are.

Claims 1-26 were further rejected under 35 U.S.C. §112, first paragraph, as failing to convey how to make and/or use the invention in that it was unclear as to the correct number of devices, interfaces and/or displays there are.

Response

Reconsideration and withdrawal of the rejection are respectfully requested.

35 U.S.C. §112, first paragraph, states that "The specification shall contain a written description ... in such full, clear, concise, and exact terms as to enable any person skilled in the art ... to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention."

The issue regarding element 20 is now believed to be fully addressed by the drawing corrections.

The Examiner cited the description of multiple display devices. It is submitted that in order to provide display or feedback at least one device must be present. The specification describes the possibility of multiple individuals receiving feedback by means of a display. (Paragraph [0036].) This is elaborated upon by a description of, "standard communication interface into which manufacturers of suitable equipment, e.g. wrist watches, mobile terminals, fixed sport stadium displays shall connect to." (Paragraph [0037].) Moreover, the use of the wireless interface makes reception by one individual or multiple individuals possible.

Accordingly, Applicant has described the relevant features in a manner which is clear and concise, and in a manner that will allow a skilled artisan to carry out the claimed subject matter. Furthermore, the claimed features are set forth in a manner which is full, clear, concise, and exact terms as to enable a skilled artisan to make and use the same.

It is therefore requested that the rejection under 35 U.S.C. §112, first paragraph be removed.

Rejections under 35 USC §102

Claims 1-26 were rejected under 35 USC §102(b) as anticipated by *Root*. *Root* is cited as disclosing a measurement device, feedback, and a type of wireless communication (GPS location services). *Root* is further cited as showing a means of transmission; specifically a modem connection.

Response

This rejection is traversed as follows. For a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131.

The claims now describe transmitting measured sports activity information to a receiving device via a short-range wireless radio communication link during the activity. Applicants' claims recite:

"... transmitting... the measured sports activity information to a receiving device via a short-range wireless radio communication link during the activity; selecting ... a predefined set of pieces of sports activity information with the receiving device; and providing, with the receiving device on a user interface display ... based on the selected sports activity information." (claim 33; claims 47, 50, 56 and 64 similar.)

Root fails to teach or suggest the use of a radio link to transmit information. *Root* further fails to show or suggest using a measuring device connected through a radio link, in which one or more receiving devices can be use to select and display, "based on the sport in question, from the received sports activity information a predefined set of pieces of sports activity information with the receiving device."

The cited GPS receiver 604 does not provide transmission of measurement of sports activity information, but rather is a geolocation device used by the measurement device. The transmission is, as set forth in claims 33, 47, 50, 56 and 64, measurements providing feedback to the user, provided by a receiving device separate from the measurement device. In contrast, *Root* only uses an integrated measurement device that also provides feedback. Since *Root* already uses an integrated measurement device to provide feedback there is no reason to use a separate device for providing feedback, and thus *Root* actually teaches away from the present claims.

Further, it is pointed out that Applicants' claims 48 and 57 describe a GPS receiver as part of the measurement device, which is necessarily taken in combination with the "transmitter configured to transmit sports activity information ... to at least one receiving device via a short-range wireless radio communication link." (Independent claim 47; claim 56 similar.) By the doctrine of claim differentiation, Applicants' claimed transmitter or transmission cannot and short-range wireless communication link cannot also describe the GPS location function.

As a result, there is no showing that a single set of measured information can be used to provide information which is selected at the display or feedback device.

Applicants respectfully submit that the *Root* reference does not teach or suggest all the features as recited in claims 33-64 of the present application. It is therefore respectfully submitted that the rejection under 35 U.S.C. §102 should be withdrawn.

Applicability of 35 USC §103

It is noted that the features described above in connection with the *Root* reference specifically contradict the present subject matter as claimed. Therefore it would be unobvious to modify *Root* to meet the presently claimed features.

Claim 64

Claim 64 sets forth

... a short-range radio communication link, for transmitting the measured sports activity information to a receiving device by transmitting the measured sports activity via the short-range wireless radio communication link during the activity; means for selecting ... a predefined set of pieces of sports activity information with the receiving device ... for providing ... feedback based on the selected sports activity information.

It is submitted that *Root* does not disclose the use of a receiving device and does not use a wireless connection for receiving measurements.

Applicant respectfully request that the Examiner withdraw the rejections and that the case be passed to issuance.

Claims 33-46, 48, 49, 51-55 and 57-63

Claims 33-46, 48, 49, 51-55 and 57-63 are written in dependent form and depend from claims 33, 47, 50 or 56. Those dependent claims should be allowable for at least the same reason that claims 33, 47, 50 and 56 are allowable.

CONCLUSION

In light of the foregoing, Applicants submit that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner call the undersigned.

Respectfully submitted,
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